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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rainer Brachert

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

ROHRHOFF, DANIEL J

ART UNIT

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4193

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,209	Applicant(s) BRACHERT, RAINER	
	Examiner DAN ROHRHOFF	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☒ Claim(s) 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/9/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “multiple-articulation hinge” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 32-33 are objected to because of the following informalities: “let” in the sixth line should be –lug--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The “multiple-articulation hinge” is not shown in the drawings or described in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15-28 & 32-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 15, the term "cabinet-like" in claim 15 is a relative term which renders the claim indefinite. The term "cabinet-like" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

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of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

8. Regarding claim 26, the claim recites the limitation "the other hole" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

9. Regarding claim 28, the claim recites the limitation "the component" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

10. Regarding claim 32, the term "substantially" in claim 32 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 15-19, 21, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani (US patent 5,471,709) in view of Mansfeld (GB 708,367).

13. Regarding claim 15, Lanzani discloses a housing for a cabinet-like household appliance, comprising a body (4) and at least one door (6), which is connected to the body in a manner that enables it to swivel due to the provision of at least one first and one second multiple-articulation hinge (1 located at the top and bottom of door), wherein

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the door is supported on an upper supporting surface (5b (top hinge)) of the first multiple- articulation hinge and a lower supporting surface (5b (bottom hinge)) of the second multiple-articulation hinge. Lanzani does not disclose using a shim to space the door from the hinge. Mansfeld teaches at least one shim inserted (11) between the door and at least one of the supporting surfaces.

14. Regarding claim 16, Mansfeld teaches a plurality of shims (11 & Fig. 5) inserted between the supporting surfaces and the door. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hinges of Lanzani to include shims as taught by Mansfeld, since it would have allowed for vertical adjustment of the door.

15. Regarding claim 17, Lanzani discloses a housing wherein the supporting surfaces are arranged on a support element (5) which is disposed on the hinge arm (10) of the first and second multiple-articulation hinge which is coupled to the door (Fig. 2).

16. Regarding claim 18, Lanzani, as modified, teaches a housing wherein the shims have a rectangular basic outline (it would have been an obvious manner of design choice to one of ordinary skill in the art at the time of the invention to make the shims of Mansfeld in the shape of a rectangle to match the shape of the support element in Lanzani) and are made of a plastic injection molding (It would have been an obvious matter of material selection to one of ordinary skill in the art at the time of the invention to make the shims of a plastic injection molding since it would have lowered cost and weight).

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17. Regarding claim 19, Lanzani discloses a housing wherein a heat-insulating body of the door (6) is arranged between the supporting surfaces of the multiple-articulation hinge (Fig. 2) and the multiple-articulation hinges are concealed behind edge sections of the door projecting over the body (Fig. 3).

18. Regarding claim 21, Lanzani discloses a housing wherein the supporting surface is connected to the door by means of at least one screw (11) on at least one of the multiple-articulation hinges.

19. Regarding claim 29, Lanzani, as modified, teaches a refrigerator comprising: a housing including a body (4) and a door (6); first and second multiple-articulation hinges (1 located at the top and bottom of door) coupling the door to the body in a manner that enables the door to swivel, wherein the door is supported with an upper supporting surface (5b (top hinge)) of the first multiple-articulation hinge and a lower supporting surface (5b (bottom hinge)) of the second multiple-articulation hinge; and at least one shim (Mansfeld: 11) removably inserted between the door and one of the supporting surfaces permitting the door to be adjusted in a vertical direction with respect to the body.

20. Regarding claim 30, Lanzani, as modified, discloses a refrigerator further comprising a plurality of shims (Mansfeld: 11 & Fig. 5) removably inserted between the supporting surfaces and the door, the position of the door with respect to the body being adjustable in a vertical direction in response to the number of shims disposed between the supporting surfaces and the door.

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21. Regarding claim 31, Lanzani discloses a refrigerator comprising a mounting bracket (5) coupled between the first multiple-articulation hinge and the door and permitting the door to be adjusted in a horizontal direction with respect to the body.

22. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani in view of Mansfeld and Richardson et al. (US patent 5,113,628). Lanzani, as modified, does not teach a glass door. Richardson et al. teaches a housing wherein an outer wall of the door is formed by a glass pane (Col 2: 46). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the door of Lanzani to include a glass pane as taught by Richardson et al., since it would have allowed the user to see inside the housing.

23. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanzani in view of Mansfeld and Prunty (US patent 5,788,351).

24. Regarding claim 22, Mansfeld, as modified, does not teach an oblong hole in the supporting surface. Prunty teaches a screw extending through an oblong hole (82 & Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the shape of hole of the supporting surface of Lanzani to be oblong as taught by Prunty, since it would have made for easier adjustment.

25. Regarding claim 23, Lanzani, as modified, teaches a housing wherein the oblong hole is aligned parallel to the door (Fig. 2).

26. Regarding claim 24, Lanzani, as modified, teaches a housing wherein the multiple-articulation hinge has a first lug (5a) connected to the supporting surface and the door has a second lug (21) opposite to the first lug which is aligned perpendicular to

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the alignment of the oblong hole and is provided with holes (21b) for receiving a screw (21c) which are aligned to one another.

27. Regarding claim 25, Lanzani, as modified, teaches a housing wherein one of the holes is a tapped hole (inherently, a screw is passing thru the hole, therefore it is tapped).

28. Regarding claim 26, Lanzani, as modified, teaches a housing wherein the other hole is a vertically aligned oblong hole (Fig. 3).

29. Regarding claim 27, Lanzani, as modified, teaches a housing wherein the second lug is a part of a component screwed onto the door (Fig. 3).

30. Regarding claim 28, Lanzani, as modified, teaches a housing wherein the shims are dimensioned so as to extend as far as between the component and the door when mounted between the supporting surface of one multiple-articulation hinge and the door (Mansfeld: Fig. 5).

Allowable Subject Matter

31. Claims 32-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim (US patent 5,579,606), Mitchell (US patent 5,158,503) and Thompson et al. (US patent 4,932,729) all disclose hinges for refrigerators similar to applicants.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAN ROHRHOFF whose telephone number is (571)270-7624. The examiner can normally be reached on Monday-Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DAN ROHRHOFF/
Examiner, Art Unit 4193

/Derris H Banks/
Supervisory Patent Examiner, Art
Unit 3725
